

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)
)
Plaintiff,)
vs.)
)
Roger F. Kennedy, Donna J. Kennedy,)
individually, as Trustee under a Declaration)
of Trust dated August 9, 1989, Davy)
Ministries, a purported "Corporation Sole,")
Daryl Kunz, Penelope Kunz, St. Alexius)
Medical Center Credit Union, and)
The Treasurer of Mercer County,)
North Dakota)
)
Defendants.)

**ORDER DENYING GOVERNMENT'S
MOTION FOR DEFAULT JUDGMENT**

Case No. 1:05-cv-084

On July 25, 2005, the Government filed a Motion for Default Judgment as to defendants, Roger F. Kennedy, Donna J. Kennedy, and Davy Ministries. See Docket No. 17. The Government also requested entry of default as to each. See Docket Nos. 8 & 13. As the parties well know, several orders have been issued concerning both the motion for default judgment and the entry of default. See Docket Nos. 21, 22, 28, & 31. However, as it stands, the Court has yet to take action on the original motion for default judgment. On March 13, 2006, attorney Sheldon A. Smith entered an appearance on behalf of Roger Kennedy, Donna Kennedy, and Davy Ministries, and subsequently filed an answer on their behalf on March 27, 2006. See Docket Nos. 29 & 32. Thus, the Government's Motion for Default Judgment is **DENIED** as moot. (Docket No. 17). The Government does not oppose denial of the motion at this time.

IT IS SO ORDERED.

Dated this 24th day of May, 2006.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court